(2)
C.f. 1000/-
SINGLE BENCH

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.**

**WRIT PETITION (S) No. 6784 OF 2006**

**PETITIONERS** :1) Roshan Lal Sahu , S/o. Shri Samaru Ram Sahu, aged about 42 years, Occupation Government Servant (Assistant Teacher at Govt. Primary School Singhangarh Block and District Mahasamund) R/o. Singhangarh, Post Raitum, Via Pithora, Tahsil and District Mahasamund (C.G.)

P.R. No. 6904/06 Presented by Sri ... Unmarked dated 30/11/06

:2) Smt. Asther Minj, W/o. Shri Linus Minj, aged about 46 years, Occupation Government Servant Assistant Teacher at Govt. Shri Ram Middle School, Mahasamund, Block and District Mahasamund, R/o. Nayapara, Mahasamund (C.G.)

CERTIFIED COPY 30/11/06 CLERK to A. G. BILASPUR

:3) Smt. Nirmala Kujur, W/o. Shri Militus Kujur, aged about 36 years, Occupation Government Servant (Assistant Teacher at Govt. Middle School, Bemcha, Mahasamund, Block and District Mahasamund), R/o. Near Parmeshwari School, Imlibhatha, Mahasamund (C.G.)

29/11/06

(6)

:4) Smt. Shakuntala Chandrakar, W/o. Shri Ashoka Kumar Chandrakar, aged about 40 years, Occupation Govt. Servant (Assistant Teacher at Govt. Primary School Kaundkera, Block and District Mahasamund), R/o. Village Bemcha, Distt Mahasamund (C.G.).

:5) Jeevan Lal Dadsena, S/o. Shri K.C.Dadsena, aged about 44 years, Occupation Govt. Servant ( Assistant Teacher at Govt. Middle School (Girls), Basna, District Mahasamund, R/o. Behind Gayatri Mandir, Basna, District Mahasamund (C.G.)

:6) Smt. Shobhana Timothy, W/o. Kiran Timothy, aged about 38 years, Occupation Govt. Servant (Assistant Teacher at Govt. Primary School Sher, Block and District Mahasamund, R/o. Ward No.19, behind C.G. School, Mahasamund (C.G.).

:7) Smt. Kumari Narwase, W/o. Shri Radheshyam Narwase, aged about 35 years, Occupation Govt. Servant ( Assistant Teacher at Govt. Primary School, Rumekel, Block and District Mahasamund, R/o. Village Rumekel, Post Raitum, Mahasamund (C.G.)

(7)

:8) Smt. Sapura Thakur, W/o. Shri Ganeshram Thakur, aged about 35 years, Occupation Govt. Servant ( Assistant Teacher at Govt. Primary School Raitum, Block and District Mahasamund, R/o. Village and Post Raitum, Mahasamund (C.G.)

:9) Smt. Laxmi Dhruw, W/o. Shri Kartik Ram Dhruw, aged about 38 years, Occupation Government Servant ( Assistant Teacher at Govt. Primary School Mongra, Block and District Mahasamund, R/o. Club Para, Mahasamund (C.G.)

:10) Rajendra Kumar Sawai, S/o. Shri Samaru Prasad Sawai, aged about 37 years, Occupation Government Servant ( Assistant Teacher-Science at Govt. Adarsh Girls Higher Secondary School Mahasamund Block and District Mahasamund, R/o. Imlibhatha, Mahasamund (C.G.)

**VERSUS**

**RESPONDENTS** 1) State of C.G. through Secretary Department of School Education, DKS Bhavan, Raipur (C.G.).

2) District Education Officer, District Mahasamund (C.G.)

(3) Block Education Officer, Block Mahasamund Distt Mahasamund (C.G.)

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, ORDER/ORDERS, DIRECTION/DIRECTIONS etc.**

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(167)

**मामला क्रमांक** W.P.(S)...6784... **सन् 200** 6

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | **11.12.2006**<br>Smt. Hamida Siddique, learned counsel for the petitioners.<br>Smt. Sunita Jain, learned P.L. for the State/respondents.<br>Learned counsel appearing for the petitioner submits that the petitioners were appointed on the post of Assistant Teacher during the year 1986-1993 in the Education Department on probation for a period of two years with a fixed salary. Petitioners No. 1 to 5 were appointed with a fixed salary of Rs. 300/-, petitioner No. 6 to 9 of Rs. 1200/- and petitioner No. 10 was on the pay-scale of Rs. 1200-2040/-. It is further submitted by learned counsel for the petitioners that after completion of the probation period, they were regularized and regular pay-scale was given to them, though they were entitled to get monthly payment on the basis of regular pay scale during that period.<br>Learned counsel for the petitioner placed reliance on a decision of the Madhya Pradesh State Administrative Tribunal passed on 24.8.1992 in O.A.No. 2745 of 89 (Madhukant Yadu and 56 others Vs. State of M.P. & others) and also on a decision passed on 18.2.2000 in O.A. No. 3006/1993 (Utam Kumar Banjari and others Vs. State of M.P. & others). In that case the petitioners were appointed on the post of Upper Division Teacher in the pay scale of Rs. 1400-2640 vide | |

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(168)

**मामला क्रमांक** W.P.(S).6.284..... **सन्** 2006

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश - 2 - | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

order dated 29.3.1992 but subsequently the Join Director, Public Instructions, Hoshangabad passed the order that instead of payment of salary in the regular scale of pay of Rs. 1400-2640 the petitioners would be paid only consolidated fixed sum of Rs. 800/- for three years and only after three years, they would be given salary in the regular scale of pay. Learned Tribunal quashed the order passed by the Joint Director and directed the respondents to make payment of salary in the regular scale of pay of Rs. 1400-2640 along with all applicable allowances from the date of appointment of the petitioners.

Learned counsel for the petitioners further submits that the question of law and the facts involved in this petition are too similar to that of in the cases cited above. Learned counsel appearing for the respondents fairly concedes and agrees with the submission made by the petitioners.

From the above stated reasons, the petitioners are granted four weeks time to make a representation before the competent authorities to consider the case of the petitioners in the same terms as per the order dated 18.2.2000 passed in O.A.No. 3006/1993 and the order dated 24.8.1992 passed in O.A.No. 2745/1989. In the event the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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**मामला क्रमांक** W.P.(S)..6.7.04.. **सन् 2006**

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश -3- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

petitioners stand on the same position, the petitioners are entitled to the same relief.

For the reasons stated above, this petition is disposed of.

**Sd/-**
**Dhirendra Mishra**
**Judge**

P.T.O.